

Appl. No. 10/828,362  
Amdt. Dated 03/13/2006  
Reply to Office action of December 13, 2005

### REMARKS/ARGUMENTS

This is in response to an Office action dated 12/13/2005.

#### Claim Objections

Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 8, the phrase "radially movable between the flanges" is awkward and confusing as the movement is not in a direction between the flanges as implied by this language. It is suggested that "between" after "moveable" be changed to for example --guided by-- (note for example the later reference to "guiding" in claim 3) to avoid this ambiguity.

In claim 1, line 9, reference is made to "at least one conical element" whereas at line 14, it is defined that there are "two" conical elements. This inclusion of limitations of two different scopes for the same element within the same claim renders the scope indefinite and confusing.

In claim 1, line 14, it appears that "frustroconical" should be "frustoconical".

Claim 1 has been amended to remove the above noted ambiguities.

Claim 4 has been cancelled. The substance of claim 4 has been added to claim 1 and the indefinite language has been removed.

In claim 5, line 3, no antecedent has been established for "the base member", this rendering the scope of this claim indefinite - it seems that this claim was intended to depend from claim 4. Claim 4 has been amended to depend on claim 4 and therefore the claim is now definite.

#### Rejection(s) under 35 USC 102(b)

Claim 1, 2 and 6-11 are rejected under 35 U.S.C. 102(b) as being anticipated by or Nädler (US 3,418,192).

Claim 1 has been amended to include the limitation of claim 4 and the rejection is no longer applicable to the claim as amended.

#### Rejection(s) under 35 U.S.C. 103 (a)

Claims 1-3 and 6-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nädler (US 3,418,192) taken in view of Nojiri et al. (US 5,232,542).

Claim 1 has been amended to include the limitation of claim 4 and the rejection is no longer applicable to the claim as amended.

Appl. No. 10/828,362  
Amdt. Dated 03/13/2006  
Reply to Office action of December 13, 2005

**Comments Traversing the Rejection(s)**

The prior art made of record and not relied upon is not discussed since it was not applied.

Independent Claim 1 as amended includes the limitations of claim 4. That is "a plurality of base members supporting a plurality of fixed segments; and in each flange, a plurality of grooves for receiving opposite side edges of the plurality of base members. These features are not shown or taught by the references taken alone or in combination and therefore claim 1 should be allowable.

Claims 2, 3 and 6-11 depend upon claim 1 and should also be allowable.

Independent Claim 5 as amended includes the limitations of amended claim 1 (which includes the limitation of old claim 4) in addition to the limitation of "the conical elements have notches at circumferential positions about the outer surface of their respective bases for receiving a bottom edge of the base members." These features are not shown or taught by the references taken alone or in combination and therefore claim 5 should be allowable.

**Conclusion**

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,



Howard M. Cohn  
Registration No. 25,808

Howard M. Cohn  
21625 Chagrin Blvd. Suite 220  
Cleveland, OH 44122  
Voice (216) 752-0955  
Fax (216) 752-0957

**CERTIFICATE OF TRANSMISSION BY FACSIMILE**

I hereby certify that this correspondence is being transmitted to the United States Patent and Trademark Office (Fax No. 571-273-8300) on March 13, 2006

Name of Person Signing Certificate	: Howard M. Cohn
Signature	: 
Date of Person signing	: <u>March 13, 2006</u>

Page 5 of 5